IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.25/1999

1. Shri Bassapa Sangappa;
2. Shri Ganeshyam Gadekar;
3. Shri Subhash K. Singh;
4. Shri Victor Monteiro,
Shipwright Department
Goa Shipyard Limited,
Vasco de Gama, Goa. ..... Petitioner.

V/s.

1) The Goa Shipyard Limited,
a Company registered under the
Indian Companies Act, with
registered Office at
Vaddem, Vasco de Gama, Goa
through its Chairman and
Managing Director,
Rear Admiral B.R. Menon (Retd.)
Vasco de Gama.

2) Shri R.C. Asukar,
Company Secretary,
Goa Shipyard Limited,
Vasco de Gama, Goa.

3) Mr. Santu S. Kalangukar,
Employee No.370,
Carpenter from Carpentry Dept.,
Goa Shipyard Limited,
Vasco de Gama;

4) Mr. Kashinath Naik,
Employee No.347,
Carpenter from Carpentry Dept.,
Goa Shipyard Limited,
Vasco de Gama;

5) Shri R.K. Vajjalu,
The General Manager,
Personnel and Administration,
Goa Shipyard Limited,
Vasco de Gama, Goa. ..... Respondents.

Mr. Mario P. Almeida, Advocate for the petitioners.

Mr. M.S. Bandodkar, Advocate for respondents No.1, 2 and 3.

CORAM : R.J. KOCHAR &
P.V. HARDAS, JJ.

DATE : AUGUST 27, 2003.

ORAL JUDGMENT: (Per KOCHAR, J.)

We had directed Shri Bandodkar, the learned Counsel appearing for the respondents to state on affidavit the present position in respect of promotions to the post of Leading Hand in the establishment of the respondents. Shri Bandodkar has filed the affidavit, setting out the correct factual position existing as on date. To be precise, we reproduce the contents of the affidavit, as under :

> " (1) I, Venkatapati Raju D, residing at Goa Shipyard Enclave, Vasco Da Gama, major in age, solemnly affirm and state as under :
>
> (2) I am working as Manager (Personnel) of the Respondent company and I am conversant with the facts of the case and making this affidavit to put forth the facts before this Hon'ble Court.
>
> (3) I say that after petition No.25/98 filed before this Hon'ble court Mr. Subhas K. Singh, the Petitioner No.3 has been promoted from highly skilled grade to Master grade II, that is Supervisor grade, with effect from 1.8.2000.
>
> (4) I say that Petitioner No.4 Mr. Victor Monteiro, Oilmen in Highly skilled grade obtained for Voluntarily retirement Scheme and accordingly he has been relieved with effect from 24.10.2001.
>
> (5) I say that out of the two Respondents, Respondent No.4 who was promoted to the leading hand retired due to superannuation on 30.9.2002.
>
> (6) I say that the Respondent No.1 held the test as per the office order No.69 dated 17.6.98 declaring two vacancies of leading hand in Shipwright section and invited applications for vacancies from shipwright

section having requisite criteria given in the said office order.

(7) I say that those Petitioners who appeared along with other employees and the Respondent 3 & 4 for the leading hand test, were all qualified and the promotion for Respondent No.3 and 4 was given based on the merit.

(8) I say that, as and when vacancy arises for the post of leading hand in shipwright department, the qualified petitioners will be promoted as per the merit.

(9) I say that the statement made hereinabove paragraphs are true to my knowledge
Solemnly affirmed on 27th day of August, 2003.
At Panaji Goa."

2. Shri Bandodkar further makes a statement, after getting instructions from his client, that petitioner No.2 who is in the select list, would be promoted immediately in near future as and when vacancy arises. He further makes a statement that even petitioner No.1 would be promoted as and when vacancy arises. In view of this, the learned Counsel appearing for the petitioners, seeks permission to withdraw the petition. He is allowed to withdraw the petition. A xerox copy of the select list, handed over by Shri Bandodkar is kept on record, as Exhibit "X" for identification. Rule accordingly. No orders as to costs.

R.J. KOCHAR, J.

P.V. HARDAS, J.